

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: AVANDIA MARKETING,	:	MDL NO. 1871
SALES PRACTICES, AND PRODUCTS	:	07-MD-1871
LIABILITY LITIGATION	:	

THIS DOCUMENT APPLIES TO:	:
ALL ACTIONS	:

ORDER

AND NOW, this 21st day of July 2015, upon consideration of the briefing in response to the Court's February 26, 2015 Order to Show Cause, and after a hearing on the jurisdictional issues, and for the reasons set forth in the accompanying memorandum opinion, it is hereby ORDERED as follows:

- 1) The Court properly exercised its jurisdiction in enacting PTO 70;
- 2) The Johnson Firm implicitly entered into a contract with the MDL Plaintiffs' Steering Committee, agreeing to be bound by the terms of the Attorney Participation Agreement and PTO 70 in exchange for access to MDL work product, by its conduct, including retaining signatories Baum and Rosemond as trial counsel, and extensively using MDL work product to advance the *Gabel* cases;
- 3) Given the implicit agreement by the Johnson Firm to be bound by the Attorney Participation Agreement and PTO 70, and the express agreement to be bound signed by the retained trial counsel Baum and Rosemond, the Court has jurisdiction to determine whether PTO 70 has been violated, or the Attorney Participation Agreement has been breached;

4) The Court holds that all settled claims in the *Gabel v. GlaxoSmithKline* litigation in which Baum, Rosemond, or the Johnson Firm hold a financial interest are “assessed cases” and “covered claims” as defined by the terms of the Attorney Participation Agreement and PTO 70, and are thus subject to a Common Benefit Assessment under PTO 70;

5) GSK has held back a 7% assessment on the gross recovery. This money shall be deposited in the Avandia Common Benefit Fund.

The related Motions for Permanent Injunction [Doc. No. 4411], for Expedited Discovery [Doc. No. 4423], and for Service by Alternate Means [Doc. No. 4523] are **DISMISSED** as moot.

It is so **ORDERED**.

BY THE COURT:



CYNTHIA M. RUGE